IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3126 OF 2005

Premlal Bhattrai ..Petitioner.

Vs.

The Union of India ..Respondent.

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Mr.Subhash Jha i/b Law Global for the Petitioner.

Mr.R.C.Master for the Respondent.

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CORAM : A.P.SHAH &

DR.D.Y.CHANDRACHUD, JJ.

8th June, 2005.

P.C. :

The Petitioner was dismissed from service by an order passed under Rule 15 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 by the Respondent. The Director of Civilian Personnel, Naval Head Quarters, New Delhi dismissed the appeal. In 2002, the Petitioner moved the Central Administrative Tribunal at Mumbai. Original Application 728 of 2002 is

pending before the Tribunal and is ripe for hearing. On 31st March, 2005 when the matter was called out before the Tribunal in the morning session, no one appeared on behalf of the Petitioner. In the afternoon session an adjournment was sought by the advocate for the Petitioner. Again on 1st April, 2005, the advocate for the Petitioner was not present and the case was take up for hearing in the afternoon session. Once again on 5th April, 2005 the advocate for the Petitioner was absent in the morning session though the case was partheard and it was then taken up in the afternoon session. The cause for the institution of these proceedings under Article 226 emanates from a procedural direction issued by the Tribunal to the advocate for the Petitioner to complete arguments in a specified time frame under Rule 14(3) of the CAT Procedure Rules, 1987. The advocate for the Petitioner, the Tribunal notes, was not amenable to conclude his arguments in the prescribed time frame and he was directed to file his written arguments within two weeks. The application was listed for final hearing on 20th April, 2005.

We see no reason to interfere with the procedural direction of the Tribunal in regard to the filing of written submissions. The Petitioner must do so. We are sure that the Tribunal, when the matter comes up for hearing and final disposal, will grant to the Petitioner an appropriate opportunity of an oral hearing which would best subserve the interests of justice. At this stage of the matter, there is no reason for the Court to issue any further directions. The Petition is accordingly disposed of.